

THEODORE J. BOUTROUS JR., SBN 132099  
 tboutrous@gibsondunn.com  
 RICHARD J. DOREN, SBN 124666  
 rdoren@gibsondunn.com  
 DANIEL G. SWANSON, SBN 116556  
 dswanson@gibsondunn.com  
 JAY P. SRINIVASAN, SBN 181471  
 jsrinivasan@gibsondunn.com  
 GIBSON, DUNN & CRUTCHER LLP  
 333 South Grand Avenue  
 Los Angeles, CA 90071  
 Telephone: 213.229.7000  
 Facsimile: 213.229.7520  
  
 VERONICA S. LEWIS (Texas Bar No.  
 24000092; *pro hac vice*)  
 vlewis@gibsondunn.com  
 GIBSON, DUNN & CRUTCHER LLP  
 2100 McKinney Avenue, Suite 1100  
 Dallas, TX 75201  
 Telephone: 214.698.3100  
 Facsimile: 214.571.2900

MARK A. PERRY, SBN 212532  
 mperry@gibsondunn.com  
 CYNTHIA E. RICHMAN (D.C. Bar No.  
 492089; *pro hac vice*)  
 crichman@gibsondunn.com  
 GIBSON, DUNN & CRUTCHER LLP  
 1050 Connecticut Avenue, N.W.  
 Washington, DC 20036  
 Telephone: 202.955.8500  
 Facsimile: 202.467.0539  
  
 ETHAN D. DETTMER, SBN 196046  
 edettmer@gibsondunn.com  
 ELI M. LAZARUS, SBN 284082  
 elazarus@gibsondunn.com  
 GIBSON, DUNN & CRUTCHER LLP  
 555 Mission Street  
 San Francisco, CA 94105  
 Telephone: 415.393.8200  
 Facsimile: 415.393.8306  
  
 Attorneys for Defendant APPLE INC.

UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

EPIC GAMES, INC.,  
 Plaintiff, Counter-defendant  
  
 v.  
 APPLE INC.,  
 Defendant, Counterclaimant

Case No. 4:20-cv-05640-YGR  
 Case No. 4:11-cv-06714-YGR  
 Case No. 4:19-cv-03074-YGR

**DEFENDANT APPLE INC.'S  
 ADMINISTRATIVE MOTION TO FILE  
 UNDER SEAL EXHIBITS CONCERNING  
 ITS STATEMENT IN RESPONSE TO  
 ORDER TENTATIVELY DENYING  
 ADMINISTRATIVE MOTION TO MODIFY  
 CASE SCHEDULE**

IN RE APPLE IPHONE ANTITRUST  
 LITIGATION

DONALD R. CAMERON, *et al.*,  
 Plaintiffs  
  
 v.  
 APPLE INC.,  
 Defendant.

Hon. Yvonne Gonzalez Rogers

Defendant Apple Inc. (“Apple”) brings this administrative motion (“Administrative Motion”) pursuant to Federal Rule of Civil Procedure 26(c), Civil Local Rules 7-11 and 79-5(d) for an order granting Apple leave to file under seal portions of certain exhibits to the Declaration of Ethan D. Dettmer in support of Apple’s Statement in Response to this Court’s Order Tentatively Denying the Administrative Motion to Modify the Case Schedule. Apple respectfully submits that redaction is appropriate to protect Apple’s confidential trade secrets. Redacted versions of the exhibits are being filed on the public docket, and unredacted versions of the exhibits with the proposed redactions highlighted are being filed under seal concurrently with this motion.

Civil Local Rule 79-5 provides that documents, or portions thereof, may be sealed if a party “establishes that the documents, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law.” Civ. L.R. 79-5(b). A party seeking to seal materials filed in connection with a non-dispositive motion must make a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1178–80 (9th Cir. 2006). Sealing is appropriate when the information at issue constitutes “trade secret information.” *Monster, Inc. v. Dolby Labs. Licensing Corp.*, No. 12-CV-2488, 2013 WL 163774, at \*1 (N.D. Cal. Jan. 15, 2013); *see also Phillips v. Gen. Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002) (acknowledging courts’ “broad latitude” to “prevent disclosure of materials for many types of information, including, *but not limited to*, trade secrets or other confidential research, development, or commercial information”); *France Telecom S.A.*, No. 12-CV-4967, 2014 WL 4965995, at \*4 (N.D. Cal. Oct. 3, 2014) (“The non-public sales information at issue is among the types of competitively sensitive information that qualifies as a trade secret and is properly sealed at trial.”).

The information disclosed in the exhibits referenced below constitutes confidential trade secrets. *See* Declaration of Ethan D. Dettmer in Support of this Administrative Motion ¶¶ 8-14, 16. The proposed redactions are to specific details regarding Apple’s nonpublic database field codes, field values or otherwise describes the data, formulas used to create the data or whether particular data exists. *Id.* Redaction of that information from the exhibits will not in any way inhibit the public’s ability to understand the filing, as the redactions have been narrowly tailored to only apply to the nonpublic

information that Apple must redact to preserve its trade secrets.

Apple therefore requests that the Court seal the following documents as described below:

| Document Containing Confidential Information      | Reason for Sealing  |
|---|---|
| Exhibit 2, pp. 2–4                                | Contains information that reveals the names of nonpublic database field codes, field values or otherwise describes the data, formulas used to create data, or whether particular data exists. |
| Exhibit 3, pp. 2–3, 7–8, 13–14, 16                | Contains information that reveals the names of nonpublic database field codes, field values or otherwise describes the data, formulas used to create data, or whether particular data exists. |
| Exhibit 4, pp. 2–4, 6–7, 11–12, 17–18, 20–21      | Contains information that reveals the names of nonpublic database field codes, field values or otherwise describes the data, formulas used to create data, or whether particular data exists. |
| Exhibit 5, pp. 2, 6–7, 9, 11–12, 14, 19–20, 25–28 | Contains information that reveals the names of nonpublic database field codes, field values or otherwise describes the data, formulas used to create data, or whether particular data exists. |
| Exhibit 6, pp. 2–7                                | Contains information that reveals the names of nonpublic database field codes, field values or otherwise describes the data, formulas used to create data, or whether particular data exists. |
| Exhibit 7, pp. 2, 4–5                             | Contains information that reveals the names of nonpublic database field codes, field values or otherwise describes the data, formulas used to create data, or whether particular data exists. |
| Exhibit 9, pp. 4, 8–9                             | Contains information that reveals the names of nonpublic database field codes, field values or otherwise describes the data, formulas used to create data, or whether particular data exists. |

Dated: December 30, 2020

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Ethan D. Dettmer

Ethan D. Dettmer

Attorneys for Defendant Apple Inc.